

Application No.: 10/657,019

Amendments to the drawings:

Per request by the Examiner, applicant respectfully submits the amended drawings. Fig. 1 – 3 backgrounds have been revised to better reflect the content of the drawings. No new matter has been added.

REMARKS/ARGUMENTS

Applicant wishes to thank the Examiner again for examining this application. Claims 5-8 and 16-19 have been canceled without prejudice. Claims 1-4, 9-14, 20-22 and 25 have been amended. Support for amended claims 1-4 may be found in claims 5-8 of the original application as filed. Support for amended claims 9-14 may be found in claims 9, 10, 16-19 of the original application as filed. Likewise, support for amended claims 20-22, 25 may be found in claims 20-22 and 25 of the original application as file. No new matter has been added.

Entry of this Amendment is respectfully requested.

Drawing

Replacement drawings reflecting revised background are provided herein. Applicant believes the replacement drawings are now clear and distinct.

Accordingly, applicant believes the amendment has overcome the objection.

Claim rejection – 35 USC § 103

Pending claims 1-4, 9-14, 20-26 are rejected under 35 U.S.C 103 as being obvious in view DE 202 07 569, Rosenberg US Pat 6579544, Brown US 6528042, Fini et al., Ibsen et al., Dollwet et. and Dodds et. al.

Applicant has amended independent claims 1 and 11 by adding the claim limitations of originally filed claims 5-8 and 16-19. Applicant respectfully submits that *prima facie* obviousness has not been established. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)

Here, amended claim 1 contains coenzyme Q10. Even if all the cited references are combined, not all the limitations are taught because it is believed that none of the references discloses coenzyme Q10. Likewise, amended claim 11 is directed to a method of healing bone comprising administering compositions as disclosed in the originally filed claims 11 and 16. Even if all the cited references are combined, the art as a whole does not teach a method of healing bone as disclosed in the amended claim 11. Because all the claim limitations are not taught or suggested by the prior art, applicant respectfully submits that pending claims 1-4, 9-14, 20-26 are not obvious.


Accordingly, applicant respectfully request that the obviousness rejection be withdrawn.

CONCLUSION

Applicant respectfully submits that all the rejections have been overcome and all the pending claims are now in condition for allowance. If the Examiner has any questions pertaining to this application or feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (650) 941-1196.

Applicant respectfully submits that the application is now ready for a Notice of Allowance to be issued.

Respectfully submitted,

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